

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

ARTHUR J. CLEMENS JR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:17cv2381 NCC
)	
LOCAL ONE, SERVICE EMPLOYEE)	
INTERNATIONAL UNION, TOM)	
BALANOFF, LAURA GARZA, and)	
NANCY CROSS,)	
)	
Defendants.)	

ANSWER

Come now Defendants and for their Answer to Plaintiff's Complaint state as follows:

1. Defendants deny Plaintiff's unnumbered paragraph stating that:

This cause is filed under Amendment 14 of the United States Constitution, USC 29-411 through 29-466, Rule 23 for the Federal Rules of Civil Procedure, Hummel vs. Brennan 469 F. Supp 1180, Burroughs vs. Operating Engineers 686 F.2d 723, and other laws cases and precedents.

Answer to Plaintiff's First Cause of Action

Come now Defendants and for their Answer to Plaintiff's First Cause of Action of Plaintiff's Complaint state as follows:

2. Defendants admit each and every allegation contained in paragraph 1 of the First Cause of Action of Plaintiff's Complaint.

3. Defendants deny each and every allegation contained in paragraph 2 of the First Cause of Action of Plaintiff's Complaint.

4. Defendants deny each and every allegation contained in paragraph 3 of the First Cause of Action of Plaintiff's Complaint.

5. Defendants deny each and every allegation contained in paragraph 4 of the First Cause of Action of Plaintiff's Complaint.

6. Defendants deny each and every allegation contained in paragraph 5 of the First Cause of Action of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

1. For their first affirmative defense the Defendants state that Plaintiff has failed to exhaust his administrative remedies with the United States Department of Labor or with the National Labor Relations Board.

2. For their second affirmative defense the Defendants state that Plaintiff has failed to file his Complaint within the time provided by the applicable statute of limitations period, specifically Plaintiff failed to file his Complaint within five (5) years of the accrual of his claim pursuant to Section 516.120 R.S.Mo. which is the most analogous state statute of limitations.

WHEREFORE Defendants pray this Court enter judgment in favor of Defendants dismissing Plaintiff's First Cause of Action with prejudice, awarding to Defendants their costs herein expended together with such other and further relief as to the Court may seem just and proper.

Answer to Plaintiff's Second Cause of Action

Come now Defendants and for their Answer to Plaintiff's Second Cause of Action of Plaintiff's Complaint state:

1. Defendants deny each and every allegation contained in paragraph 1 of the Second Cause of Action of Plaintiff's Complaint.

2. Defendants deny each and every allegation contained in paragraph 2 of the Second Cause of Action of Plaintiff's Complaint.

3. Defendants deny each and every allegation contained in paragraph 3 of the Second Cause of Action of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

1. For their first affirmative defense the Defendants state that Plaintiff has failed to exhaust his administrative remedies with the United States Department of Labor or with the National Labor Relations Board.

2. For their second affirmative defense the Defendants state that Plaintiff has failed to file his Complaint within the time provided by the applicable statute of limitations period, specifically Plaintiff failed to file his Complaint within five (5) years of the accrual of his claim pursuant to Section 516.120 R.S.Mo. which is the most analogous state statute of limitations.

WHEREFORE Defendants pray this Court enter judgment in favor of Defendants dismissing Plaintiff's Second Cause of Action with prejudice, awarding to Defendants their costs herein expended together with such other and further relief as to the Court may seem just and proper.

Answer to Plaintiff's Third Cause of Action

Come now Defendants and for their Answer to Plaintiff's Third Cause of Action of Plaintiff's Complaint state:

1. Defendants deny each and every allegation contained in paragraph 1 of the Third Cause of Action of Plaintiff's Complaint.

2. Defendants deny each and every allegation contained in paragraph 2 of the Third Cause of Action of Plaintiff's Complaint.

3. Defendants deny each and every allegation contained in paragraph 3 of the Third Cause of Action of Plaintiff's Complaint.

4. Defendants deny each and every allegation contained in the second paragraph 3 of the Third Cause of Action of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

1. For their first affirmative defense the Defendants state that Plaintiff has failed to exhaust his administrative remedies with the United States Department of Labor or with the National Labor Relations Board.

2. For their second affirmative defense the Defendants state that Plaintiff has failed to file his Complaint within the time provided by the applicable statute of limitations period, specifically Plaintiff failed to file his Complaint within five (5) years of the accrual of his claim pursuant to Section 516.120 R.S.Mo. which is the most analogous state statute of limitations.

WHEREFORE Defendants pray this Court enter judgment in favor of Defendants dismissing Plaintiff's Third Cause of Action with prejudice, awarding to Defendants their costs herein expended together with such other and further relief as to the Court may seem just and proper.

Answer to Plaintiff's Fourth Cause of Action

Come now Defendants and for their Answer to Plaintiff's Fourth Cause of Action of Plaintiff's Complaint state:

1. Defendants deny each and every allegation contained in paragraph 1 of the Fourth Cause of Action of Plaintiff's Complaint.

2. Defendants deny each and every allegation contained in paragraph 2 of the Fourth Cause of Action of Plaintiff's Complaint.

3. Defendants deny each and every allegation contained in paragraph 3 of the Fourth Cause of Action of Plaintiff's Complaint.

4. Defendants deny each and every allegation contained in paragraph 4 of the Fourth Cause of Action of Plaintiff's Complaint.

5. Defendants deny each and every allegation contained in paragraph 5 of the Fourth Cause of Action of Plaintiff's Complaint.

6. Defendants deny each and every allegation contained in paragraph 1 of the Fourth Cause of Action of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

1. For their first affirmative defense the Defendants state that Plaintiff has failed to exhaust his administrative remedies with the United States Department of Labor or with the National Labor Relations Board.

2. For their second affirmative defense the Defendants state that Plaintiff has failed to file his Complaint within the time provided by the applicable statute of limitations period, specifically Plaintiff failed to file his Complaint within five (5) years of the accrual of his claim pursuant to Section 516.120 R.S.Mo. which is the most analogous state statute of limitations.

WHEREFORE Defendants pray this Court enter judgment in favor of Defendants dismissing Plaintiff's Fourth Cause of Action with prejudice, awarding to Defendants

their costs herein expended together with such other and further relief as to the Court may seem just and proper.

Answer to Plaintiff's Fifth Cause of Action

Come now Defendants and for their Answer to Plaintiff's Fifth Cause of Action of Plaintiff's Complaint state:

1. Defendants deny each and every allegation contained in paragraph 1 of the Fifth Cause of Action of Plaintiff's Complaint.

2. Defendants deny each and every allegation contained in paragraph 2 of the Fifth Cause of Action of Plaintiff's Complaint.

3. Defendants deny each and every allegation contained in paragraph 3 of the Fifth Cause of Action of Plaintiff's Complaint.

4. Defendants deny each and every allegation contained in paragraph 4 of the Fifth Cause of Action of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

1. For their first affirmative defense the Defendants state that Plaintiff has failed to exhaust his administrative remedies with the United States Department of Labor or with the National Labor Relations Board.

2. For their second affirmative defense the Defendants state that Plaintiff has failed to file his Complaint within the time provided by the applicable statute of limitations period, specifically Plaintiff failed to file his Complaint within five (5) years of the accrual of his claim pursuant to Section 516.120 R.S.Mo. which is the most analogous state statute of limitations.

WHEREFORE Defendants pray this Court enter judgment in favor of Defendants dismissing Plaintiff's Fifth Cause of Action with prejudice, awarding to Defendants their costs herein expended together with such other and further relief as to the Court may seem just and proper.

Answer to Plaintiff's Sixth Cause of Action

Come now Defendants and for their Answer to Plaintiff's Sixth Cause of Action of Plaintiff's Complaint state:

1. Defendants deny each and every allegation contained in paragraph 1 of the Sixth Cause of Action of Plaintiff's Complaint.

2. Defendants deny each and every allegation contained in paragraph 2 of the Sixth Cause of Action of Plaintiff's Complaint.

3. Defendants deny each and every allegation contained in paragraph 3 of the Sixth Cause of Action of Plaintiff's Complaint.

4. Defendants deny each and every allegation contained in paragraph 4 of the Sixth Cause of Action of Plaintiff's Complaint.

5. Defendants deny each and every allegation contained in paragraph 5 of the Sixth Cause of Action of Plaintiff's Complaint.

6. Defendants deny each and every allegation contained in paragraph 6 and subparts a through h of the Sixth Cause of Action of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

1. For their first affirmative defense the Defendants state that Plaintiff has failed to exhaust his administrative remedies with the United States Department of Labor or with the National Labor Relations Board.

2. For their second affirmative defense the Defendants state that Plaintiff has failed to file his Complaint within the time provided by the applicable statute of limitations period, specifically Plaintiff failed to file his Complaint within five (5) years of the accrual of his claim pursuant to Section 516.120 R.S.Mo. which is the most analogous state statute of limitations.

WHEREFORE Defendants pray this Court enter judgment in favor of Defendants dismissing Plaintiff's Sixth Cause of Action with prejudice, awarding to Defendants their costs herein expended together with such other and further relief as to the Court may seem just and proper.

Answer to Plaintiff's Seventh Cause of Action

Come now Defendants and for their Answer to Plaintiff's Seventh Cause of Action of Plaintiff's Complaint state:

1. Defendants deny each and every allegation contained in paragraph 1 of the Seventh Cause of Action of Plaintiff's Complaint.

2. Defendants deny each and every allegation contained in paragraph 2 of the Seventh Cause of Action of Plaintiff's Complaint.

3. Defendants deny each and every allegation contained in paragraph 3 of the Seventh Cause of Action of Plaintiff's Complaint.

4. Defendants deny each and every allegation contained in paragraph 4 of the Seventh Cause of Action of Plaintiff's Complaint.

5. Defendants deny each and every allegation contained in paragraph 5 of the Seventh Cause of Action of Plaintiff's Complaint.

6. Defendants deny each and every allegation contained in paragraph 6 of the Seventh Cause of Action of Plaintiff's Complaint.

7. Defendants deny each and every allegation contained in the second paragraph 6 of the Seventh Cause of Action of Plaintiff's Complaint.

8. Defendants deny each and every allegation contained in the third paragraph 6 of the Seventh Cause of Action of Plaintiff's Complaint.

9. Defendants deny each and every allegation contained in paragraph 7 of the Seventh Cause of Action of Plaintiff's Complaint.

10. Defendants deny each and every allegation contained in the fourth paragraph 6 of the Seventh Cause of Action of Plaintiff's Complaint.

11. Defendants deny each and every allegation contained in the second paragraph 7 of the Seventh Cause of Action of Plaintiff's Complaint.

12. Defendants deny each and every allegation contained in paragraph 8 of the Seventh Cause of Action of Plaintiff's Complaint.

13. Defendants deny each and every allegation contained in paragraph 9 of the Seventh Cause of Action of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

1. For their first affirmative defense the Defendants state that Plaintiff has failed to exhaust his administrative remedies with the United States Department of Labor or with the National Labor Relations Board.

2. For their second affirmative defense the Defendants state that Plaintiff has failed to file his Complaint within the time provided by the applicable statute of limitations period, specifically Plaintiff failed to file his Complaint within five (5) years of

the accrual of his claim pursuant to Section 516.120 R.S.Mo. which is the most analogous state statute of limitations.

WHEREFORE Defendants pray this Court enter judgment in favor of Defendants dismissing Plaintiff's Seventh Cause of Action with prejudice, awarding to Defendants their costs herein expended together with such other and further relief as to the Court may seem just and proper.

Answer to Plaintiff's Eighth Cause of Action

Come now Defendants and for their Answer to Plaintiff's Eighth Cause of Action of Plaintiff's Complaint state:

1. Defendants deny each and every allegation contained in paragraph 1 of the Eighth Cause of Action of Plaintiff's Complaint.

2. Defendants deny each and every allegation contained in paragraph 2 of the Eighth Cause of Action of Plaintiff's Complaint.

3. Defendants deny each and every allegation contained in paragraph 3 of the Eighth Cause of Action of Plaintiff's Complaint.

4. Defendants deny each and every allegation contained in paragraph 4 of the Eighth Cause of Action of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

1. For their first affirmative defense the Defendants state that Plaintiff has failed to exhaust his administrative remedies with the United States Department of Labor or with the National Labor Relations Board.

2. For their second affirmative defense the Defendants state that Plaintiff has failed to file his Complaint within the time provided by the applicable statute of

limitations period, specifically Plaintiff failed to file his Complaint within five (5) years of the accrual of his claim pursuant to Section 516.120 R.S.Mo. which is the most analogous state statute of limitations.

WHEREFORE Defendants pray this Court enter judgment in favor of Defendants dismissing Plaintiff's Eighth Cause of Action with prejudice, awarding to Defendants their costs herein expended together with such other and further relief as to the Court may seem just and proper.

Answer to Plaintiff's Ninth Cause of Action

Come now Defendants and for their Answer to Plaintiff's Eighth Cause of Action of Plaintiff's Complaint state:

1. Defendants admit each and every allegation contained in paragraph 1 of the Ninth Cause of Action of Plaintiff's Complaint.
2. Defendants deny each and every allegation contained in paragraph 2 of the Ninth Cause of Action of Plaintiff's Complaint.
3. Defendants deny each and every allegation contained in paragraph 3 of the Ninth Cause of Action of Plaintiff's Complaint.
4. Defendants deny each and every allegation contained in paragraph 4 of the Ninth Cause of Action of Plaintiff's Complaint.
5. Defendants admit each and every allegation contained in the second paragraph 3 of the Ninth Cause of Action Plaintiff's Complaint.
6. Defendants deny each and every allegation contained in the second paragraph 4 of the Ninth Cause of Action Plaintiff's Complaint.

7. Defendants deny each and every allegation contained in paragraph 5 of the Ninth Cause of Action of Plaintiff's Complaint.

8. Defendants deny each and every allegation contained in paragraph 6 of the Ninth Cause of Action of Plaintiff's Complaint.

9. Defendants deny each and every allegation contained in paragraph 7 of the Ninth Cause of Action of Plaintiff's Complaint.

10. Defendants deny each and every allegation contained in paragraph 8 of the Ninth Cause of Action of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

1. For their first affirmative defense the Defendants state that Plaintiff has failed to exhaust his administrative remedies with the United States Department of Labor or with the National Labor Relations Board.

2. For their second affirmative defense the Defendants state that Plaintiff has failed to file his Complaint within the time provided by the applicable statute of limitations period, specifically Plaintiff failed to file his Complaint within five (5) years of the accrual of his claim pursuant to Section 516.120 R.S.Mo. which is the most analogous state statute of limitations.

WHEREFORE Defendants pray this Court enter judgment in favor of Defendants dismissing Plaintiff's Ninth Cause of Action with prejudice, awarding to Defendants their costs herein expended together with such other and further relief as to the Court may seem just and proper.

Answer to Plaintiff's Tenth Cause of Action

Come now Defendants and for their Answer to Plaintiff's Tenth Cause of Action of Plaintiff's Complaint state:

1. Defendants deny each and every allegation contained in paragraph 1 of the Tenth Cause of Action of Plaintiff's Complaint.

2. Defendants admit each and every allegation contained in paragraph 2 of the Tenth Cause of Action of Plaintiff's Complaint.

3. Defendants admit each and every allegation contained in paragraph 3 of the Tenth Cause of Action of Plaintiff's Complaint.

4. Defendants admit each and every allegation contained in paragraph 4 of the Tenth Cause of Action of Plaintiff's Complaint.

5. Defendants deny each and every allegation contained in paragraph 5 of the Tenth Cause of Action of Plaintiff's Complaint.

6. Defendants deny each and every allegation contained in paragraph 6 of the Tenth Cause of Action of Plaintiff's Complaint.

7. Defendants deny each and every allegation contained in paragraph 7 of the Tenth Cause of Action of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

1. For their first affirmative defense the Defendants state that Plaintiff has failed to exhaust his administrative remedies with the United States Department of Labor or with the National Labor Relations Board.

2. For their second affirmative defense the Defendants state that Plaintiff has failed to file his Complaint within the time provided by the applicable statute of

limitations period, specifically Plaintiff failed to file his Complaint within five (5) years of the accrual of his claim pursuant to Section 516.120 R.S.Mo. which is the most analogous state statute of limitations.

WHEREFORE Defendants pray this Court enter judgment in favor of Defendants dismissing Plaintiff's Tenth Cause of Action with prejudice, awarding to Defendants their costs herein expended together with such other and further relief as to the Court may seem just and proper.

Respectfully submitted,

SCHUCHAT, COOK & WERNER

/s/George O. Suggs
George O. Suggs, M.B.E. # 31641
1221 Locust Street, Suite 250
St. Louis, MO 63103
T: (314) 621-2626
F: (314) 621-2378
gos@schuchatcw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 1ST day of November, 2017, the foregoing document was filed via electronic system and a true copy was served upon Arthur J. Clemens, Jr by United States Mail postage prepaid to the following:

Arthur J. Clemens, Jr.
Pro Se
400 N. 4th Street, Suite 1008
St. Louis, MO 63102
(314) 262-5438

/s/George O. Suggs